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| WARREN GERMANY, | : | |
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| Plaintiff, | : | |
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| | : | 03 Civ. 148 (GEL) |
| -v- | : | |
| | : | |
| | : | OPINION AND ORDER |
| NEW YORK STATE DEPARTMENT OF | : | |
| CORRECTIONAL SERVICES, et al., | : | |
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| | : | |
| Defendants. | : | |
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On July 14, 2005, the Honorable Theodore H. Katz, United States Magistrate Judge, filed a Report and Recommendation (“R&R”), recommending that this Court grant defendant’s motion for summary judgment in this pro se employment discrimination case, and requiring that any objections to that recommendation be filed with this Court within ten days of service of the R&R, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72. The Court has received and reviewed timely objections filed by plaintiff. Based on this Court’s independent review of the record and of plaintiff’s objections, Judge Katz’s characteristically thorough and well-reasoned R&R is adopted as the opinion of the Court.

Plaintiff, who was employed as a corrections officer at Sing Sing Correctional Facility, does not appear to challenge Judge Katz’s conclusion that he has failed to raise a genuine issue of material fact regarding his claims of differential treatment, retaliation, and hostile work environment. Rather, his primary objection is that summary judgment should be denied “to allow discovery,” and that “if given additional time to obtain discovery and deposition[s],

plaintiff could establish a prima facie case.” (Objections, p. 1.)

Plaintiff ignores the fact that he has had ample time for discovery. This action was filed on January 8, 2003. On December 18, 2003, following litigation of defendants’ motion to dismiss, Judge Katz, to whom the case was referred for pre-trial supervision, entered an order directing that discovery be completed by June 30, 2004. At plaintiff’s request, his time to complete depositions of the named defendants was extended to July 16, 2004. The docket sheet reflects no further requests for additional time. Even at this late date, plaintiff gives no indication of what additional discovery he would like to take, or why such discovery could be expected to yield evidence favorable to his case that has not yet been obtained or presented to the Court.

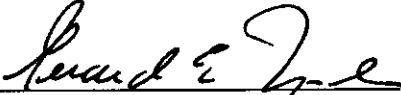
In addition to his primary objection, plaintiff makes several miscellaneous factual assertions that appear to be intended to take issue with statements in Judge Katz’s R&R. (Objections, pp. 3-4.) None of these assertions creates a genuine issue of material fact regarding plaintiff’s claims of discrimination, or casts any doubt on the Magistrate Judge’s careful analysis of the record.

Like many employees, plaintiff obviously believes in all sincerity that he was treated unfairly by his employer. But his belief does not constitute evidence, and plaintiff has failed to offer evidence that would permit a reasonable fact-finder to conclude that he has been discriminated against on the basis of his race.

Accordingly, the recommendation is accepted, the R&R is adopted as the opinion of the Court, and the defendants’ motion for summary judgment is granted. The Clerk is respectfully directed to docket plaintiff’s objections to the R&R, to enter judgment for defendant, and to close out the case on the Court’s records.

SO ORDERED.

Dated: New York, New York
August 16, 2005



GERARD E. LYNCH
United States District Judge